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EXAMINER

PEYTON, TAMMARA R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2182

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/003,041

Applicant(s)

WILLIAMSON, CHARLES G.

Examiner

Tammara R Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

Art Unit: 2182

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7, 9, and 18, are rejected under 35 U.S.C. 102(e) as being anticipated by *Furlong*, (US 2002/0123824 A1).

As per claim 7, *Furlong* teaches a data structure stored in memory, comprising:  
a user identifier (barcode/UPC code) are associated element that identifies a record in a database (18, Fig.1); and an appliance identifier (12) element linked to the user identifier element that identifies an intelligent appliance; a plurality of recipe program elements linked to the appliance identifier element; and a unique product code element associated with at least one of the plurality of recipe program elements.  
(Abstract, pgs. 1, 2 [0004-0007], [0011-0014])

As per claim 9, *Furlong* teaches wherein the unique product code element is a UPC code ([0012]) element.

As per claim 18, *Furlong* teaches a method for remote updating of intelligent household appliances, comprising:

receiving, in an intelligent appliance, a code input by a code input device  
(scanner, 28, Fig. 1)

determining whether the code input by the code input device is associated with any one of a plurality of recipe programs stored in an memory (34, Fig.1) in the intelligent appliance;

transmitting a request for a recipe program if the input code from the code input device is not associated with any one of the plurality of recipe programs; and

receiving, at the intelligent appliance, a new recipe program associated with the code input by the code input device.([0012])

*Furlong* teaches an intelligent device (12, Fig.1) with a subsystem 20 for reading barcodes/UPC codes via a scanner, wherein the barcodes/UPC codes are associated with a recipe program that may or may not be stored in a memory of the intelligent device. The intelligent device/subsystem is able to determine if a particular barcode/UPC code is already stored in memory 34. If it is determined that the particular barcode/UPC code is not stored in memory 34 than the intelligent device establishes communication with an external database (18), via a modem 30 in the subsystem 20 and without user intervention, where the associated recipe program is found and downloaded to the intelligent device. In other words, *Furlong* teaches of automatically

Art Unit: 2182

obtaining the recipe program associated with the barcode/UPC code that is not already stored in memory 34.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10-14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818).

As per claims 1, 10, and 20, *Furlong* teaches a method for remote updating of intelligent household appliances where a message from the intelligent appliance requesting a new recipe program, wherein the message is being sent without user intervention, for transmitting the new recipe to the intelligent appliance once find in an external database of recipe programs. (Abstract, pgs. 1, 2 [0004-0007], [0011-0014]) *Furlong* further teaches storing recently used recipe programs in a memory of the intelligent appliance. *Furlong* specifically teaches wherein the intelligent appliance has a subsystem (20) that includes a computer (22), a keyboard (24), a display (26), a scanner (28) and a modem (30) that could be used to download cooking instructions from recipe software and the Internet and not just the external database. (*Furlong*, [0014]) Therefore, one of ordinary skill would readily recognize that *Furlong* could utilize

Art Unit: 2182

the intelligent appliance subsystem to download a plurality of other recipe software from Internet in general. However, *Furlong* does not expressly teach selecting a plurality of recipe programs associated with an intelligent appliance and storing the recipe program in a user profile in the intelligent appliance subsystem.

Nonetheless, *Ali* teaches an intelligent appliance (10) with an appliance computer (14, Fig. 1) that has access to the Internet that will enable a user to select and store in memory a plurality of recipe programs to be downloaded to the intelligent appliance based on a user profile. (*Ali*, col. 3, lines 25-67, Fig.2)

It would have been obvious to one of ordinary skill at the time the invention was made to implement the user profile of *Ali*'s intelligent appliance that allows a user to select and store in memory individual recipe programs based on a particular user into *Furlong*'s intelligent appliance subsystem. Doing so add and expand the flexibility to *Furlong*'s intelligent appliance by allowing a user to select from the Internet and store in the intelligent appliance individual recipes preferences, for example, recipes according to weight control or for cholesterol reasons in a user profile. (*Ali*, col. 3, lines 60-63)

As per claims 2 and 11, *Ali* teaches identifying a user profile associated with the intelligent appliance; and formatting a message containing the current plurality of recipes in the user profile.

As per claim 3 and 12, *Ali* teaches identifying the possible recipe programs that are capable of being associated with the intelligent appliance. (*Ali*, col. 5, lines 2-16)

As per claim 4 and 13, *Ali* teaches generating a list of recipe programs from which the plurality of recipe programs associated with an intelligent appliance are selected. (*Ali*, col. 5, lines 2-16)

As per claims 5 and 14, *Ali* teaches accessing wherein the intelligent appliance has Internet accessing ability either with computer 14 or a host computer 58, therefore, it would have been obvious to one of ordinary skill that a web browser is used when accessing profile data via the Internet. (*Ali*, col. 4, lines 50 - col. 5, lines 24-35)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818) as applied to claims 1-5, 10-

Art Unit: 2182

14, and 20 above, and further in view of *Abrams et al.*, (US 6,587,739), previously cited in paper #7.

As per claim 6 and 15, *Furlong* and *Ali* both teach downloading the plurality of recipes to the intelligent oven. (*Furlong*, [0014], *Ali*, col. 2, lines 44-47) However, both *Furlong* and *Ali* are silent in respect to the intelligent appliance consisting of a bread machine or a coffeemaker. Nonetheless, *Abrams* teaches a system wherein a plurality of recipes could be download for intelligent bread machine or coffeemaker. It would have been obvious to one of ordinary skill at the time the invention was made that intelligent bread machines or coffeemakers (See prior art *Abrams*, Fig.5b, cited paper #7) are well known in the art, therefore, it would not be out of the scope for *Furlong's* or *Ali's* systems to be implemented in other intelligent appliances described by *Abrams* without depart the inventive concepts, because doing so would simply expand the flexibility of *Furlong's* and *Ali's* intelligent appliance system.

Claims 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818) as applied to claims 1-5, 10-14, and 20 above, and further in view of *Krichilsky et al.*, (US 2002/0152200).



Art Unit: 2182

As per claim 16, 17, and 19, *Furlong -Ali* expressly teach obtaining a recipe program when the recipe program is not currently in the intelligent appliance by downloading the new recipe program from an external database, however, *Furlong-Ali* are silent in respect to and updating a user profile with a continuing request for a new program if the new recipe is not found in the external database. However, *Krichilsky* teaches an ordering system wherein a user signs in at a website with a user-id and password that will enable the user to order products. If the user requests an item that is currently not in the database (in stock) then the user (via user's id) is put on a 'wait' or 'watch' list. When the requested item becomes available the user is notified via fax, email, or the product is automatically ordered and sent to the user. (*Krichilsky*, pg. 3; [0050],[0036])

It would have been obvious to one of ordinary skill at the time the invention was made to implement *Krichilsky's* method that allows a user (via user's id) to place an unavailable product on a 'wait' or 'watch' list and either order the product or notify the user when the product becomes available with *Furlong-Ali*. Doing so would enhance *Furlong-Ali's* system by placing the user (via user's profile) on a 'wait' or 'watch' list for specific user recipes that are currently unavailable on the external database, wherein, the user is automatically notified when the specific user recipes become available thereby ensuring that the user and the intelligent appliance will eventually receive the desired recipe.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application

Art Unit: 2182

should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).



Tammara Peyton

May 3, 2004